

Ryan, Erin T. (CIV)

From: Ryan, Erin T. (CIV)
Sent: Wednesday, November 8, 2023 1:45 PM
To: St. John, Joseph
Cc: Reuveni, Erez R. (CIV); Ward, Brian C. (CIV); Fudim, Elissa P. (CIV); Darrow, Joseph A. (CIV); Schultz, Evan P. (CIV); Redmon, Jordan
Subject: RE: AO Rule - Status Conference
Attachments: Updated 30b6 Topics for STATE OF LOUISIANA.pdf

Tracking:	Recipient	Read
	St. John, Joseph	
	Reuveni, Erez R. (CIV)	Read: 11/8/2023 4:27 PM
	Ward, Brian C. (CIV)	Read: 11/8/2023 2:24 PM
	Fudim, Elissa P. (CIV)	
	Darrow, Joseph A. (CIV)	Read: 11/8/2023 4:37 PM
	Schultz, Evan P. (CIV)	Read: 11/8/2023 1:49 PM
	Redmon, Jordan	

Scott,

Please see the attached updated topics with a few notes from me on some topics that could be stipulated to if that's something Plaintiffs are interested in. Please let us know your position.

Also, can you remind me of the three subparts of Medicaid you mentioned after Court Monday? I can document those in here as well for clarity.

Thanks,
 Erin

-----Original Message-----

From: St. John, Joseph <StJohnJ@ag.louisiana.gov>
 Sent: Tuesday, November 7, 2023 5:29 PM
 To: Ryan, Erin T. (CIV) <Erin.T.Ryan@usdoj.gov>
 Cc: Reuveni, Erez R. (CIV) <Erez.R.Reuveni@usdoj.gov>; Ward, Brian C. (CIV) <Brian.C.Ward@usdoj.gov>; Fudim, Elissa P. (CIV) <Elissa.P.Fudim@usdoj.gov>; Darrow, Joseph A. (CIV) <Joseph.A.Darrow@usdoj.gov>; Schultz, Evan P. (CIV) <Evan.P.Schultz2@usdoj.gov>; Redmon, Jordan <RedmonJ@ag.louisiana.gov>
 Subject: [EXTERNAL] Re: AO Rule - Status Conference

I do not recall sequencing being discussed with the Court. Regardless, Professor Clemens did not rely on any state documents or data, so 30(b)(6) testimony is irrelevant to his deposition. Nothing suggests Chief Scott is even aware of Louisiana-specific information, so there's likewise no reason he needs 30(b)(6) testimony in advance of his deposition.

Judge Arthur informed me he has multiple commitments in the next few weeks.

We oppose any extension.

On Nov 7, 2023, at 3:09 PM, Ryan, Erin T. (CIV) <Erin.T.Ryan@usdoj.gov> wrote:

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Scott,

As discussed with the judge yesterday, Mr. Arthur's 30b6 testimony has to be first so the experts can review and rely on that testimony before giving theirs. Defendants also need time to review and consider that testimony in preparing to question Plaintiffs' experts. This is why I said in our discussion after court yesterday that we would need at least a few days between Mr. Arthur's two depositions.

If he is not available until November 27, that only leaves 3 days in November to conduct all the remaining depositions, assuming all the other witnesses are available that week. What is the general reason Mr. Arthur cannot be made available until November 27, and cannot be available on dates that are not back-to-back?

If Mr. Arthur cannot be available until the week of November 27, then we will need to move for a two-week extension of the deadline to complete these depositions. Please let us know your position on a motion for a two-week extension.

As to topics, Defendants will send over updated topics tomorrow and note places where a potential stipulation could alleviate the need for that topic.

Erin

From: St. John, Joseph <StJohnJ@ag.louisiana.gov>
Sent: Tuesday, November 7, 2023 1:47 PM
To: Ryan, Erin T. (CIV) <Erin.T.Ryan@usdoj.gov>
Cc: Reuveni, Erez R. (CIV) <Erez.R.Reuveni@usdoj.gov>; Ward, Brian C. (CIV) <Brian.C.Ward@usdoj.gov>; Fudim, Elissa P. (CIV) <Elissa.P.Fudim@usdoj.gov>; Darrow, Joseph A. (CIV) <Joseph.A.Darrow@usdoj.gov>; Schultz, Evan P. (CIV) <Evan.P.Schultz2@usdoj.gov>; Redmon, Jordan <RedmonJ@ag.louisiana.gov>
Subject: [EXTERNAL] RE: AO Rule - Status Conference

Erin:

(1) Judge Arthur is only available the last week of November. As I noted in our discussion after yesterday's hearing, we will offer him on back-to-back days. Relatedly, please identify any topics that you intend to withdraw in light of the Court's instruction to focus on the State's documents and the discrete programs at issue.

(2) We will consider stipulating to facts, but you need to propose the stipulations. I have no idea what you would like the State to stipulate to.

(3) I received a message that Mr. Scott is travelling, such that it may be a day or two before I hear back from him.

Best regards,
Scott

From: Ryan, Erin T. (CIV) <Erin.T.Ryan@usdoj.govmailto:Erin.T.Ryan@usdoj.gov>>
Sent: Tuesday, November 7, 2023 12:08 PM
To: St. John, Joseph <StJohnJ@ag.louisiana.govmailto:StJohnJ@ag.louisiana.gov>>
Cc: Reuveni, Erez R. (CIV) <Erez.R.Reuveni@usdoj.govmailto:Erez.R.Reuveni@usdoj.gov>>; Ward, Brian C. (CIV) <Brian.C.Ward@usdoj.govmailto:Brian.C.Ward@usdoj.gov>>; Fudim, Elissa P. (CIV) <Elissa.P.Fudim@usdoj.govmailto:Elissa.P.Fudim@usdoj.gov>>; Darrow, Joseph A. (CIV)

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Subject: RE: AO Rule - Status Conference

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Hi Scott,

Apologies – I had forgotten I got noticed for jury duty on November 17 so will not be available for the Arthur 30b6 deposition that day. Would November 16 or November 20 work instead? Then we can build the experts around that.

Thanks,
Erin

From: Ryan, Erin T. (CIV)
Sent: Monday, November 6, 2023 2:36 PM
To: St. John, Joseph <StJohnJ@ag.louisiana.gov<mailto:StJohnJ@ag.louisiana.gov>>
Cc: Reuveni, Erez R. (CIV) <Erez.R.Reuveni@usdoj.gov<mailto:Erez.R.Reuveni@usdoj.gov>>; Ward, Brian C. (CIV) <Brian.C.Ward@usdoj.gov<mailto:Brian.C.Ward@usdoj.gov>>; Fudim, Elissa P. (CIV) <Elissa.P.Fudim@usdoj.gov<mailto:Elissa.P.Fudim@usdoj.gov>>; Darrow, Joseph A. (CIV) <Joseph.A.Darrow@usdoj.gov<mailto:Joseph.A.Darrow@usdoj.gov>>; Schultz, Evan P. (CIV) <Evan.P.Schultz2@usdoj.gov<mailto:Evan.P.Schultz2@usdoj.gov>>; Redmon, Jordan <RedmonJ@ag.louisiana.gov<mailto:RedmonJ@ag.louisiana.gov>>
Subject: AO Rule - Status Conference

Scott,

Just following up on the status conference and our conversation afterwards. We're are working on updating the topics and will aim to get those to you by Wednesday.

On the scheduling, since the 30b6 needs to go first, and we have the Thanksgiving holiday is coming up, we may need to be looking at late next week for the 30b6 deposition. Is Mr. Arthur available on November 17 for that?

Then on the experts, we are looking at the beginning of the week of Thanksgiving – November 20 perhaps – for one, and the remaining two the following week. Or alternatively, all three the week of November 27, but that will be a lot of deps back to back which is not ideal. We have a call out to Prof Clemens with some of these possible dates based on the previous availability he gave us and will get back to you when we have it confirmed. Please let us know your witnesses – and your own – availability as soon as you can as well so we can block out the necessary dates and ensure we are able to comply with the Court's deadline.

Finally, as I mentioned, we are open to discussing a possible stipulation of certain facts if that is something you are interested in. If so, please let us know by tomorrow of what specific facts you would be open to stipulating to, as that would then impact the deposition topics we're crafting to send over.

Thanks,

Erin Ryan
Trial Attorney

U.S. Department of Justice – Civil Division Office of Immigration Litigation – District Courts Section Post Office Box 868 | Ben Franklin Station | Washington, D.C. 20044 erin.t.ryan@usdoj.gov<mailto:erin.t.ryan@usdoj.gov> | C: 202-532-5802

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